

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Everson Francis
Plaintiff

14CV8481
Index#:

v

Judge:

GCT 21 2014

NYPD Officer Liberator
New York City
New York State
New York City Police Department

Complaint

POLICE DIVISION
RECEIVED
FBI - NEW YORK
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WHEREAS, Everson Francis, file these cause of actions and seek relief from this honorable court.

Cause of action 1

Defamation, slander, and libel for charging with New York Penal Law 190.05 without any kind of evidence. So, that to cause severe financial loss, reputation damages and with knowledge that no crime ever existed and no traffic violations happened also. But when case is dismissed for lack of evidence, it would still be in the record of the plaintiff, even when found not guilty. This was the intention of this officer.

Cause of action 2

Assault with no legal reason too, to a complying victim, which caused severe back injury; pushing the plaintiff in a cruel and unreasonable manner. Tightening the cuff to cut off blood circulation, push on the ground to sit on the side walk, all because plaintiff keep quoting the laws and questioning him of the legality of his, officer Liberator's, actions.

Cause of action 3

Illegal imprisonment, no lawful reason to detain or arrest

Cause of Action 4

After being placed in cell and then was told by him you are not free to go, after the plaintiff see his children, the officer then said stop, after already saying you are free to go, put your hand behind your back now, so as to make the children of the plaintiff see him in that state, after victim/plaintiff was free to go already but officer Liberator wanted to Inflict Emotional distress to the children and to the plaintiff by willfully and calculated illegally humiliate the plaintiff around his family, not because he, the plaintiff, was violating the law, but because the officer was on his own agenda to humiliate, abuse, assault, violate the constitutional rights, and continue his tyrannous actions.

Cause of action 5

Refusal of 45th Precinct of the NYPD to furnish officers full name

Cause of action 6

Failure to act, for the other officer, who saw the illegal actions being done and all he did was stood there doing nothing, but make it clear through his facial expressions that his partner is acting illegally. His failure to act and protect, caused physical injury and personal injury to reputation.

Cause of Action 7

Threat of "making-up" other false charges in the presence of witnesses in the cell, to continue keeping the plaintiff locked-up for days, if he wanted too.

Cause of Action 8

Causing the plaintiff to miss clients and studying for criminal law exams

Cause of Action 9

Tyranny of the government, violation of all the constitutional rights of the victim/plaintiff.

Cause of action 10

Assault and battery against an innocent individual; unreasonable force.

Cause of Action 11

Ticket Fixing: fabricating reasons for detaining and to arrest, and threatening to make things up and making more charges.

Cause of Action 12

Under title 42 United States Code 1983 it is the right of the plaintiff to seek relief for the injury suffered as a result of deprivation of the constitutional rights listed above and for the loss of due process. All these evidence are *Prima Facie* evidence and can be proven by the NYPD surveillances and by witnesses and personal videos of the incident.

Cause of Action 13

Violation of the plaintiff's right to speak, constitutional amendment 1. The entire situation on 10/13/2014 began because I told him that his action is illegal and that I quoted the relevant law and rule that makes it his actions illegal. The more he was told about the law and his violation of it, is the angrier he would get and punish the victim/plaintiff for talking and asking questions like, "do I deserve to be pushed on a car for asking questions?" Have I given you any kind of reason while in cuffs on the ground that I could because you harm for you to take me into the precinct in a cell like a common criminal?". These questions made this NYPD officer became more irate, angry and abusive and demanded the plaintiff to not talk, and seem to imply the plaintiff is not worthy of talking to him, as he is a WHITE officer and the plaintiff is black and should not know the law.

Cause of action 14

NYPD Officer Liberator refusing the registration, saying he will look it up on his computer and then issuing a ticket for not giving him the registration that he refused to take, stating he will simply look it up. This court need to order the federal government to send out under-cover people to experience what these NYPD officers are doing to innocent people, because people are dying and being convicted innocently out here, it is only when the Governor, the mayor, the prosecutor and the judges are in the situation or their children that they will take this seriously.

Cause of Action 15

Threatening me that he and his partner will swear to these lies (his partner was silent to this statement) and that who will the court believe, two uniform officers or plaintiff. It is common knowledge that officers are given the benefit of the doubt as they cannot lie and have never lied. It is the public only who lies in court, never officers. In this case we will still employ the justice system in hope that we find a just and very smart judge, who will see the truth.

WHEREFORE, it is asked of this honorable court of law to grant all relief sought and all that additional relief that the court finds necessary for justice and the Constitution mandates.

This action I attest, affirm and swear to be the truth and if to be untrue, it is demanded that not just civil penalties are impose but criminal ones too. I swear upon every law within the state of New York and Federal Law that everything mentioned heretofore is the truth.

Facts of that incident are attached.

Respectfully submitted

A handwritten signature in black ink, appearing to read "J. Davis".

FACTS OF THE INCIDENDE ON 10/13/2014 with NYPD OFFICER LIBERATOR

From: Everson Francis, 4505 Bronx Blvd. suite 3, Bronx, New York 10470

Please read the entire thing, it is a matter of life and death, urgency.

ticket numbers 4415247789, and 4415247700

It was September 13, 2014, about 6am; I went to the car to go see a client when a horrible thing happened to me by an NYPD officer. I am registered with the California State Bar, admissions office. I specialize in helping folks who are being abused by their United States Citizens spouse or Lawful Permanent Resident spouse.

I got into the car, and was driving, at a stop sign, I stopped, then another, stopped, I then looked back and saw a police car with flashing lights behind me, so I pulled over, I actually thought they wanted to pass me, to go to a scene. But instead they pulled up behind me, and walked up to the car, immediately, the officer asked me for my driver's license and I promptly went into my back pocket and asked, while getting the license, "officer, why did you pull me over?". The officer responded, "When you give me your license I will tell you", so I gave it, my driver's license, to him and asked, why you did pull me over. He became really rude, like I am below him and should never question him.

At this time, I truly thought maybe, I had non-working lights, a few days ago, cars that passed me, seemed to be flashing their lights at me, and usually, this means, you have a non-working light. So, I truly thought it was something as simple as that, the officer then said I ran a "STOP SIGN". I stay in the neighborhood and very legalistic, I follow the law to the teeth, and I am not a New York, I am from Michigan, raised by a decent Caucasian family, even thou I am black.

When I told the officer what they are doing is illegal, lying to pull me over, demanding a give my keys (even thou I complied immediately), I still asked questions and mentioned the laws and rules, to support my legal rights. This actually made this specific officer so upset, he pulled me out the car and pushed me against the car. I complied, not that I could have fought back, but I complied immediately. I still continue to speak, telling them, well, only one officer out of the two, was being rude, abusive, physically assaulted me. I must emphasize this, because I keep mentioning the laws and case precedence that out-lawed his behavior and actions. I must say the other officer did not do anything but stood there and from his face, I can tell he did not agree with the behavior of the lead officer but he stood there and did nothing and said nothing, but his face spoke volumes. I do think, that makes him as bad as or even worse than the actually officer who did all these unlawful assault on me. The only thing that came out my mouth was Law, case precedence, and why are you doing this. I swear, attest, and confirm these statements under penalty of perjury, under the laws of New York State and Federal, if any parts of these statements prove to be an untrue, please enforce the law to the fullest possibility.

I will never be stupid enough to be hostile with any officer, especially a white officer in New York. Being new here, I learn that, plus being a lover of law, and my love for police, as it is why I decided about 3 years ago to special in representing officers before the Administrative Law judges, as I think officers are not properly represented for the good work I thought they did. I now change my mind and I want to become a prosecutor in New York, to go after criminal-crook-police officers.

However, on 10/13/2014 I found out not all officers, if any, in New York State has ethic, morals and respect this great country and our CONSTITUTION. The officer, after pushing me against the car in a vicious and unjustifiable manner, made my back start to hurt, I do have back issues, but it became worse after the push, then he put me to sit on the ground, the dirty ground, only because I keep mentioning the law and asking him questions, again, I am not worthy of asking him questions, is it because I am black or because I know the law? It could only be one or both of those. My back began to hurt intensely, so I asked the other officer to please loosen the shackles, he did for me, twice, it was so tight on my wrist. After they had me sit on the ground, I am estimating for about 30 minutes, I asked the non-aggressive officer, the one who you could see in his face, that he knows his partner is acting irrationally, illegally and violently if I could stand instead, as my back hurts so bad, and he asked me, if wanted to lean on my car, I said yes, standing does help my back sometimes.

After the event above, and he already told me, you know what, because I keep telling him about the law and asking questions, "whether he knows what he is doing is illegal?". He said, if you keep asking me question I will take you to the precinct and pull you in the cell. All this, to show he has authority over me, remember this, I never violated any request of his (I will not call them lawful orders, as they were not. However, I still complied promptly to them (I pray in Jesus name, there is a camera on stop or the people who I saw looking outside, that they did not see, was taping it, I will be checking to find out if they have it taped).

Now comes the rather heinous and horribly unconstitutional part to this, while I am in the cell, at the 45 precinct, after being in there for about 45 minutes, when he came back to give me the ticket and let me go, he said in front of all the people in the cell, "If I wanted to make you stay longer, I would have MADE-UP more charges". I call everyone, even the two young ladies hand-cuffed to the bench heard, the video camera pointed straight at us, should have recorded it, and you will see when I my mouth dropped open and I put my hand over my mouth. And said to that NYPD officer, you would really do that? God knows how many people he and others have done this too. Will this court, will the Attorney General, will the FBI, Will the Mayor and the President of the United States believe me, and the persons that were locked-up? I know every one of them will be subpoenaed by me, if these cases go to trial, and the video tape of the cell. The officer said to me, "If I wanted you to stay longer, I would have MADE-UP more charges".

The statements made heretofore, I understand to be my responsibility to obtain clarification on anything in this Affidavit, which I do not understand prior to signing and that I am aware that any omissions, falsifications, misstatements or misrepresentations

may be grounds for penalty before this NYPD Administration and according to State and Federal Law.

I could not sleep because, if we cannot inform anyone of our legal rights and that I am not worthy of talking to an officer, about laws and rules, why do we, as black people, and as civilians go to law-school and register to take the bar to practice law? I am going to say this, if anything on this paper is untrue, I waive my rights to a trial, put me straight in jail, and throw-away the key. I am so serious.

I am not a New Yorker black-man, I am from Michigan and was raised by a decent Caucasian (white) family that I love tremendously, on my spear time, I use to do crime reduction research, and send it to the Mayor of New York in 2009, the police Commissioner of New York in 2010. Even the FBI, one of my suggestions was that police officers needs more benefits and should be applauded more for the good work I thought NYPD did, it was why I wanted to practice before the NYPD Administrative Law judge to help officers, until I actually moved here, and experience this on 10/13/2014. I will dedicate my life now, in helping to bring criminal-police officers to JUSTICE.

I am asking the Mayor of New York and the Governor and President of United States to Please made it mandatory for officers to wear a body camera, which records video and voice. This officer said he could have made up other false charges, in front of me and witnesses. He could have planted drugs on me, I never in my life ever used or even get in contact with drugs, or even a weapon, a gun, many things he could have done to ruin my life.

I know only people who knows my heart will believe me, and know the type of man I am, and see the blogs that I make online to support police officers, when the public say they hate police, I said no, it is not all who are bad, and that people tend to forget what they do to be arrested, and do not take responsibility. It is only when we take responsibility for our actions that we can be better black folks and stop blaming others and police for our actions, but today is a day, I know, it is not always the case. There are innocent people who are harassed by officers, wrongfully convicted, for crimes they never did because an officer felt like showing you, I have more power than you and I can ruin your day, and make up charges to justify illegal actions.

I promise you this, this officer, Officer Librator, I think his name is, at 45 precinct, command code, 45. Tax registry number 952996, I will not stop doing what is moral and legal to bring him to justice, the part that made me could not sleep, was the other people that society do not believe in that he arrested and because they may have horrible criminal records, he probably have made-up similar charges against these people but society do not care, because of these people's pass, and they may be sitting in Jail now.

I may never be believe about this, if the video at the police station is not presented from cell area or the witnesses are not called as witnesses in court, but I know my heart, I know my morality and my respect for truth and justice. He may get away in this life time, because he wears a uniform, but there MUST be another life where we all will be judged

and be given what we deserve, from that general, universal, and only true judge.

Charges, Laws and Rules

S 240.20 Disorderly conduct.

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

1. He engages in fighting or in violent, tumultuous or threatening behavior;

As the elements of the first charge states, a person is guilty of S 240.20 if he/she was disorderly conducting themselves, I complied with the officers commands every time, even when they were illegal, and promptly. I did ask the officers reasonable questions and instructed them on what the law states. I was the only person to be inconvenienced because the officer, wanted to show me his power, and I do know he has a lot of power, and could have killed me, framed me, as he had my life in his hands, and no one like that I would be stupid enough to engage in fighting or in violent, tumultuous or threatening behavior. I did not do such and did not have any intent (mens rea) to violate any kind of crime and mostly, not ones like these that involve two armed white officer, with me alone, at a corner, at night. I will not even look at the other elements, if I acted in such manner, The non-aggressive officer would not have allowed me to stand, because my back hurts, or loosen my hand-cuffs, because he would have looked at me as a threat, would you do those things who are a threat to you?

One thing I learn from officers when I did O.P.T. with a police department, these are the types of charges used to inconvenience individuals. Make up charges that is so general, it cover's the officer's behind from getting into trouble, sadly the court and prosecution knows this but as I know, the courts and prosecution will never care.

N.Y. Penal Law 190.05, the officer wrote the wrong law, but from the description, I think he meant to write the violation hereafter. N.Y. PEN. LAW § 195.05: NY Code - Section 195.05: Obstructing governmental administration in the second degree. as he has this additional comment on the same paper.

I ask that this matter be dismissed, however, in fact, if it goes to court, I will be able to get the tape of me in the jail cell by asking for a subpoena, which would prove the comment he made to me about making up more charges to keep me longer, if he wanted too. I cannot wait because when I get this evidence, any person this man helped convict, will have a reason to appeal. I am actually scared but must go through for Justice, Morality and God's sake because this officer could have any of his officer friends do

anything to me or my family. If you only saw his face when he told me about making up more charges, the reaction I had, was not even intended or controlled by me, I almost dropped to the ground when I heard and officer said what he said out of his mouth. About making up MORE charges against me, if he wanted too.

Again, the intent (men rea) requirement for the charge that I think he meant to write, I did not have, telling an officer what the law states is never intent to commit a crime. In fact, one of my policy that I stress a lot to clients are, always comply with officers, do not resist, if you know the law, say it, but still comply. They can do anything to you, they have the opportunity too, I will not say they right too, but the opportunity to frame you, kill you, lock you up and inconvenience you, even illegally.

Traffic violation: AAW7081174 and AAW7081163

The officer mentioned on a traffic ticket that I failed to obey a traffic sign, and that I failed to present registration. You will not believe, this officer when I was going to get the registration told me to leave it, and that he will pull it up instead. When he gave me that ticket in the cell, I told him, and he said oh well. Yep, he said Oh well, after, he instructed me to leave the registration in the car because he will look it up. He acknowledged saying that to me, in front of the folks in the cell, and the two ladies hand-cuffed to the chair, the camera and voice recording if there is one, is my proof. Oh, the witnesses will certainly, I pray corroborate this. Again, I swear under-penalty of perjury, if I am lying, put me in jail for life, it is a place I never ever want to visit again but I want to stand in front of a judge and swear under oath, I beg you, because this is the truth I speak. He told me leave the registration but then write me a ticket for not giving him a registration, when he told me not to get it and give it to him. Then in front of me and witnesses say, "Oh well". Every love that I had for NYPD officers, I have lost. Every day I stood defending officers' actions, I regret and I now see and believe what the people and mostly black people have been going through in New York. The good thing is I have the money to move, the bad thing is, most of the black people here do not have the money and other means to move out of this horrible place. My son will not be raised here, as soon as this case ends and I am done helping my clients, I will move back to Michigan, in the suburb and sophisticated place I am from.

I never ran a stop sign, I sweat to this under law too, but they had to say this to justify a stop and I do pray that I get both videos, from the folks who I saw watching and from the cell at the police station.

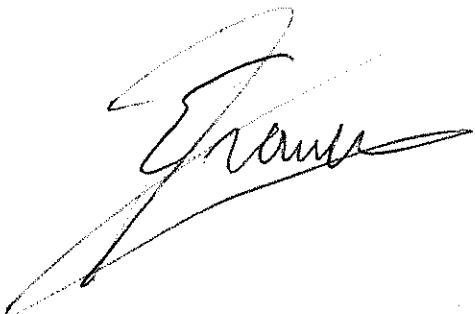
I am sending a copy of this letter to the FBI, US President, New York Attorney General, New York Governor, New York Mayor, Police Commissioner of New York, The Prosecution and Traffic department. However, the FBI will get it first and the New York New York Governor so they may get the tape before it is deleted. I am asking you for help, I am a no body and I know New York and most people here is not based on facts, the truth, morals, ethics but on who you are, your money, and who you know. Who am I for you to listen over a police officer, I am no body, but a Nobody. Civilians, nobodies,

are also honest, moralistic and respect the law.

I forgot the one thing he said when I was leaving, contact the bar of California, and let them know, in a sarcastic and he is runs the town type of way. Frankly, he can run the town, just do not put me in jail innocently and shoot me.

When I told my sister and my girlfriend both said, I am happy it happened to you because you think police officers cannot do any wrong and that they are always right. Now, I am a witness to what other people experience, both person said this, at different times, not knowing each other said the same thing.

I swear, attest, and affirm under penalty of perjury that if in one statement that I wrote here is a lie, then give me the full force of the law, it means that I am as horrible and evil as this officer and that, I never want to be, and

A handwritten signature in black ink, appearing to read "J. Davis". The signature is fluid and cursive, with a large, sweeping initial "J" and a more compact "Davis" following it.